

REMARKS/ARGUMENTS

Claims 1-18 are currently pending in this application.

Claims 11-18 have been withdrawn from consideration.

Claims 1-10 are rejected to by the Examiner.

I. Claim Rejections Under 35 U.S.C. § 103

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 2,326,724 to Fasold et al. (hereinafter "Fasold") and evidenced by Wikipedia.

Specifically, the Examiner alleges that Fasold discloses a roofing shingle comprising a top and bottom surface, where the bottom surface is provided with a release coating of a continuous film of particles. The Examiner admits that Fasold fails to disclose that the particles have good to perfect basal cleavage, but alleges that Fasold discloses that the particles on the bottom surface prevent sticking of the adjacent layers of the roofing material in a package.

In response, claims 1 and 2 have been amended to clarify the distinguishing features of the present invention. Specifically, independent claim 1 was amended to recite a roofing shingle comprising a top and bottom surface, the bottom surface provided with a release coating of a continuous film of particles having good to perfect basal cleavage, wherein said release coating is disposed only on a pressure point portion of said bottom surface. Claim 2 was recited to recite that the pressure point portion is immediately above and below a top edge of said bottom surface where the top edge overlaps a bottom portion of a headlap portion of said top surface.

Support for the amendment is found throughout the specification, and specifically, on page 9, line 12 to page 10, line 8. Therefore, no new matter has been added by way of the

amendment to the claims. Accordingly, Applicant respectfully requests entry of the amendment to the claims.

A problem in the prior art with roofing shingles lies in shipment and storage of these shingles. Shingles are packaged in bundles of 20 to 25 shingles. The high pressure caused by stacking of these heavy roofing shingles causes the shingles to stick together. Additionally, there is a transition region found in many laminated shingles due to the posterior layer having a smaller width than the anterior layer added thickness caused by the overlapping shingle layers in laminated shingles creates a hump. This transition region is most often characterized by a stepped profile. The stepped transition region located at the sharp transition in thickness between the top portion of the anterior layer, which is unbonded, and the portion of that layer bonded to the posterior layer, results in a pressure point within the stack. The pallet arrangements magnify the pressure observed in a single stack. As such, pressure at the pressure point of each shingle is magnified. This pressure point results in distortion and localized sticking of the shingles. The degree of sticking together of adjoining shingles is proportional to load, which imparts pressures. Thus, shingles at the bottom of a stack are more prone to sticking than those at the top where the pressure is lower.

The present invention, as recited in independent claim 1, provides specifically for a release coating applied on a pressure point portion of a bottom surface of the roofing shingle. As taught in the specification, optimum results, in terms of application and material costs, is obtained when the coating is applied to the "pressure point" portion of the laminate shingle. The pressure point, generally defined above, is at, and immediately above and below the top edge of the posterior layer where that top edge overlaps the bottom portion of headlap portion of the anterior layer. This pressure point is generally denoted by reference numeral 6 in FIG. 2.

Pressure is greatest in the stack at this location. As such, it is at this point where adhesion between shingles is most apt to occur. Thus, this region is where application of a release coating, to prevent adhesion, is most preferred.

Fasold, on the other hand, simply teaches that finely divided materials such as mica flakes, talc, silica dust or the like may be made adherent to the non-weather exposed surface of the roofing to prevent sticking of the adjacent layers of the roofing material in a package (col. 1, lines 25-31, as cited by the Examiner). However, Fasold fails to teach application of a release coating only to a pressure point on a bottom surface of the shingle. Application of the release coating only to the pressure point as shown in Fig. 2, results in significant savings of labor and material when the release coating is applied only to the pressure point of the roofing shingle.

It has been held by the Courts that to establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). All words in a claim must be considered in judging the patentability of that claim against the prior art. *In re Wislon*, 424 F.2d 1382, 1385 165 USPQ 494, 496 (CCPA 1970). It is clear that Fasold does not disclose application of a release coating only to a pressure point on a back surface of the shingle, as recited in claim 1. Claim 2 further provides the specific location of the pressure point on the back surface of the roofing shingle. Therefore, the 35 U.S.C. 103(a) rejection of claims 1-2 is improper.

Regarding the rejection of dependent claims 3-10, it must be noted that the Examiner relies on Fasold to support the asserted rejections. As set out above, Fasold does not disclose all the elements of claims 1-2. Accordingly, since the remaining dependent claims recite additional unique elements and/or limitations, these claims remain patentable because the cited reference

does not supply the elements missing with respect to the independent claims. As such, it is respectfully submitted that claims 3-10 are in allowable form.

Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. 103(a) rejection of claims 1-10 under Fasold and Wikipedia, and respectfully request allowance of claims 1-10.

II. Conclusion

In view of the aforementioned remarks and amendments, the Applicants believe that each of the pending claims is in condition for allowance. If, upon receipt and review of this amendment, the Examiner believes that the present application is not in condition for allowance and that changes can be suggested which would place the claims in allowable form, the Examiner is respectfully requested to contact Applicants' undersigned counsel at the number provided below.

Please charge any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 03-1250 (Ref. No. FDN-2831).

Respectfully submitted,

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